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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,160	04/16/2007	Young Su Lee	1594.1587	1834

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EXAMINER	
PERRIN, JOSEPH L	
ART UNIT	PAPER NUMBER
1792	
MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,160	LEE, YOUNG SU	
	Examiner	Art Unit	
	Joseph L. Perrin	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20060608; 20060908*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 08 June 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. KR 20-0149366 has been lined through and not considered because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information as required by Rule 98(a)(3).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-4 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KR '368.

Regarding claims 1, 2, 3, and 7, KR '368 discloses a washing machine with tub (11/12) combined with a colloid silver maker (30) in the water supply line, the silver maker comprising a silver ion casing/housing (31) and lid (32), the housing having an inlet (36) and outlet (39), a water feed connecting valve (22) for connecting the inlet of the housing and the water supply unit of the washing machine, two silver members (33/34; note that silver rods and plates are structural equivalents, such being common knowledge in the art) installed in the housing with a nozzle spray unit structure (36a/b) separating the silver members, and connecting pipe thereby configuring the silver maker with a detergent feeder (23) comprising a slidable detergent container (24). See Figs. 1-3 and relative associated text.

KR '368 discloses the claimed invention and KR '368 teaches that it is known to provide a washing machine with both a silver solution supply device (30) and detergent supply device (23) as shown in Figs. 1-3 and relative associated text. However, while KR '368 discloses both a silver supply device and detergent supply device in parallel, KR '368 does not disclose the supply devices in series as claimed. However, it would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 4, 6, 10 and 11, KR '368 discloses a lid and an inlet but does not expressly disclose the inlet provided on the lid. However, it would have been obvious to rearrange the inlet to the lid since such rearrangement would produce the same predictable result of supplying water to the silver maker as it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 8-9, as indicated above KR '368 discloses the claimed detergent feeder including a slidable detergent container as well as the silver maker having an outlet spray unit with plural holes, the detergent feeder and silver maker being arranged in parallel. As indicated above, the position is taken that rearranging the detergent feeder and silver maker described in parallel to a configuration being in series would result in the configuration of claim 8 and is considered *prima facie* obvious since such rearrangement would produce the same predictable result of delivering detergent and/or silver to a washing machine.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over KR '368 in view of WO 02/081808 to MAMIYA et al. ("MAMIYA"; see Nat. Stage entry U.S. Patent Publication No. 2004/0172985 for unofficial translation). KR '368, *supra*, discloses the claimed invention with the exception of providing at least one spacing projection provided between the silver members. MAMIYA teaches that it is known to provide a silver maker having silver members with spacing projections projected thereinbetween (see top and bottom of silver maker 60 in Figs. 1-3).

All of the component parts are known in KR '368 and MAMIYA. The only difference is the combination of "old elements" into a single washing machine by providing the silver maker of KR '368 with spacing projections as taught in MAMIYA.

Thus, it would have been obvious to one having ordinary skill in the art to mount the spacing projections taught by MAMIYA onto the silver maker housing as shown in KR '368 to achieve the predictable results of maintaining spacing between the silver members. Moreover, there would be a reasonable expectation of success in combining KR '368 and MAMIYA, since each of the references are analogous to the washing machine art. The Examiner notes that a rearrangement of the spacing projections and silver members (i.e. either on top or bottom of the silver maker) is considered *prima facie* obvious as such rearrangement would produce the same predictable result absent evidence to the contrary.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-11 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 10/582,130 in view of KR '368. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims do not include any limitations which serve to patentably distinguish over the copending claims. Both the instant claims and copending claims recite a washing machine and silver making/supplying device having silver plates in a housing with water inlet and outlet, either alone or in combination with old and well known components of a conventional washing machine. The only structural difference being the instant claims further including a detergent feeder configured in series. However, as cited above, KR '368 discloses both a silver supply device and detergent supply device in parallel, but KR '368 does not disclose the supply devices in series as claimed. It would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine as it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Thus, the instant claims fail to provide sufficient structure which serves to patentably distinguish over the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/582,136 in view of KR '368. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims do not include any limitations which serve to patentably distinguish over the copending claims. Both the instant claims and copending claims recite a silver making/supplying device having silver plates in a housing with water inlet and outlet, either alone or in combination with old and well known components of a conventional washing machine. The only structural difference being the instant claims further including a detergent feeder configured in series. However, as cited above, KR '368 discloses both a silver supply device and detergent supply device in parallel but KR '368 does not disclose the supply devices in series as claimed. It would have been obvious to rearrange the supply devices from parallel to series since such rearrangement would produce the same predictable result of supplying silver and/or detergent to the washing machine as it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Thus, the instant claims fail to provide sufficient structure which serves to patentably distinguish over the copending claims.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/
Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit 1792

JLP